

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of

Matanuska Telephone Association, Inc.  
Request for Waiver of Section 51.332 of the  
Commission's Rules

WC Docket No. 17-\_\_\_\_\_

Technology Transitions

GN Docket No. 13-5

Policies and Rules Governing Retirement of Copper  
Loops by Incumbent Local Exchange Carriers

RM-11358

**REQUEST OF MATANUSKA TELEPHONE ASSOCIATION, INC. FOR WAIVER OF  
SECTION 51.332 OF THE COMMISSION'S RULES**

Matanuska Telephone Association, Inc. (MTA) hereby requests an expedited, limited waiver of 47 C.F.R. § 51.332 to permit a retirement of copper upon fewer than 180 days' notice. Matanuska-Susitna Borough (MSB) intends to perform road construction that will result in the destruction of MTA copper loop in the Work Area identified in Exhibit A. MTA would like to take the opportunity to replace copper facilities with fiber optic facilities. This will allow MTA to continue serving existing customers while facilitating the deployment of next-generation facilities.

MTA has been in contact with affected customers and informed them of the planned facilities replacements. MTA received no complaints regarding the upgrade. Further, MTA cannot delay the MSB project. For these reasons, MTA respectfully requests waiver of the Section 51.332 waiting period.

## **I. BACKGROUND**

MSB informed MTA that it would be upgrading roads, improving drainage and improving surfaces in the Finger Lake Subdivision.<sup>1</sup> As shown in Exhibit A, MTA's copper loop plant is currently located in the public right of way. MSB's work will result in the destruction of MTA's copper loop plant.

Due to the magnitude of the project and the amount of copper facilities being replaced, it did not make economic sense to replace MTA's facilities with legacy copper rather than invest in fiber. MTA proposes to replace the copper loop with fiber in order to extend broadband to customers in the Finger Lake Subdivision. The work will affect approximately 13 local exchange customer lines served by MTA. MSB and MTA agreed that MSB would reimburse MTA an amount based on a "like-for-like" replacement of the existing facilities, with MTA covering the additional cost of \$11,000 to replace the copper facilities in the area with fiber.

MTA has been unable to identify any reasonable way to maintain service to the affected customers on 100 percent copper loops for the entire 180-day notice period. In June, 2017, MSB informed MTA that it would expedite its construction project, and that MTA will be required to transfer its customers to replacement facilities in mid-August, 2017, at which time the Borough will destroy the existing copper loop plant in the area in the course of its road work. These road work projects present an opportunity for MTA to replace legacy copper loop plant with fiber infrastructure that will enable robust broadband services to these members.

MTA provided notice to the affected customers since the project will "result in the retirement of copper loops to the premises."<sup>2</sup> A copy of the notice is attached hereto as **Exhibit**

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<sup>1</sup> Portions of E. Waldron Cove Court, North Finger Cove Court, East Finger Cove Drive, North Finger Lake Road and Green Forest Drive are affected by the construction.

<sup>2</sup> 47 C.F.R. § 51.332(b)(3).

B. Concurrently herewith, MTA is filing the notice to the Commission required by Section 51.332(b)(1) of the Commission's rules, also attached as **Exhibit C**.<sup>3</sup> In addition, in accordance with the requirements of Section 51.332(b) and 51.332(c), MTA sent notice of the proposed retirement of copper to General Communications, Inc. ("GCI");<sup>4</sup> the Governor of Alaska; the Regulatory Commission of Alaska ("RCA"); and the Secretary of Defense.<sup>5</sup> Certification of MTA's compliance with the requirements of Section 51.332 other than the 180-day notice period, is attached as **Exhibit D**.

## II. DISCUSSION

The Commission may grant a petition to waive its rules "for good cause shown."<sup>6</sup> As stated by the Commission, waiver is appropriate if "special circumstances warrant a deviation from the general rule and such deviation will serve the public interest."<sup>7</sup> MTA's request meets this standard.

First, special circumstances support MTA's request. MSB placed this project on their priority list December 9, 2016, but the funding and timing of the project were not finalized at that time. The structure of MSB's construction process does not lend itself to easy compliance with the FCC's copper retirement rules. Also, the summer construction period in Alaska is limited by weather conditions, which necessarily compresses construction schedules. Even if there were not weather considerations, MTA cannot require MSB to delay construction so as to allow the 180-day period to run. The Commission has recognized similar special circumstances justify waiver in at least one past case.<sup>8</sup>

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<sup>3</sup> 47 C.F.R. § 51.331(b)(1).

<sup>4</sup> 47 C.F.R. § 51.332(b)(2).

<sup>5</sup> 47 C.F.R. § 51.332(b)(4).

<sup>6</sup> 47 C.F.R. § 1.3. *See also In the Matter of ACS of Anchorage, LLC Request for Waiver of Section 51.332 of the Commission's Rules*, MC Docket No. 16-176, Order at ¶ 5 (July 29, 2016) [*hereinafter ACS Waiver Order*].

<sup>7</sup> *ACS Waiver Order* at ¶ 5 (internal citation omitted).

<sup>8</sup> *ACS Waiver Order* at ¶¶ 5-6.

Second, the waiver will serve the public interest. The MSB project will result in the destruction of MTA copper facilities. Presented with that fact, MTA has three options: (1) do nothing at this time; (2) extend new copper facilities; or (3) extend new fiber optic facilities. Option (1) is no option at all, as it would result in the loss of service by 13 customers until such time as MTA re-excavated the Work Area and installed new facilities. Thus, not only would Option (1) result in 13 customers losing service for a period of time, it would also require unnecessary duplication of excavation that will already be performed by MSB. Further, selection between Option 2 and Option 3 is a choice between “legacy technology” and “next-generation networks.”<sup>9</sup> In this case, MTA believes deploying fiber better serves the public interest.

### III. CONCLUSION

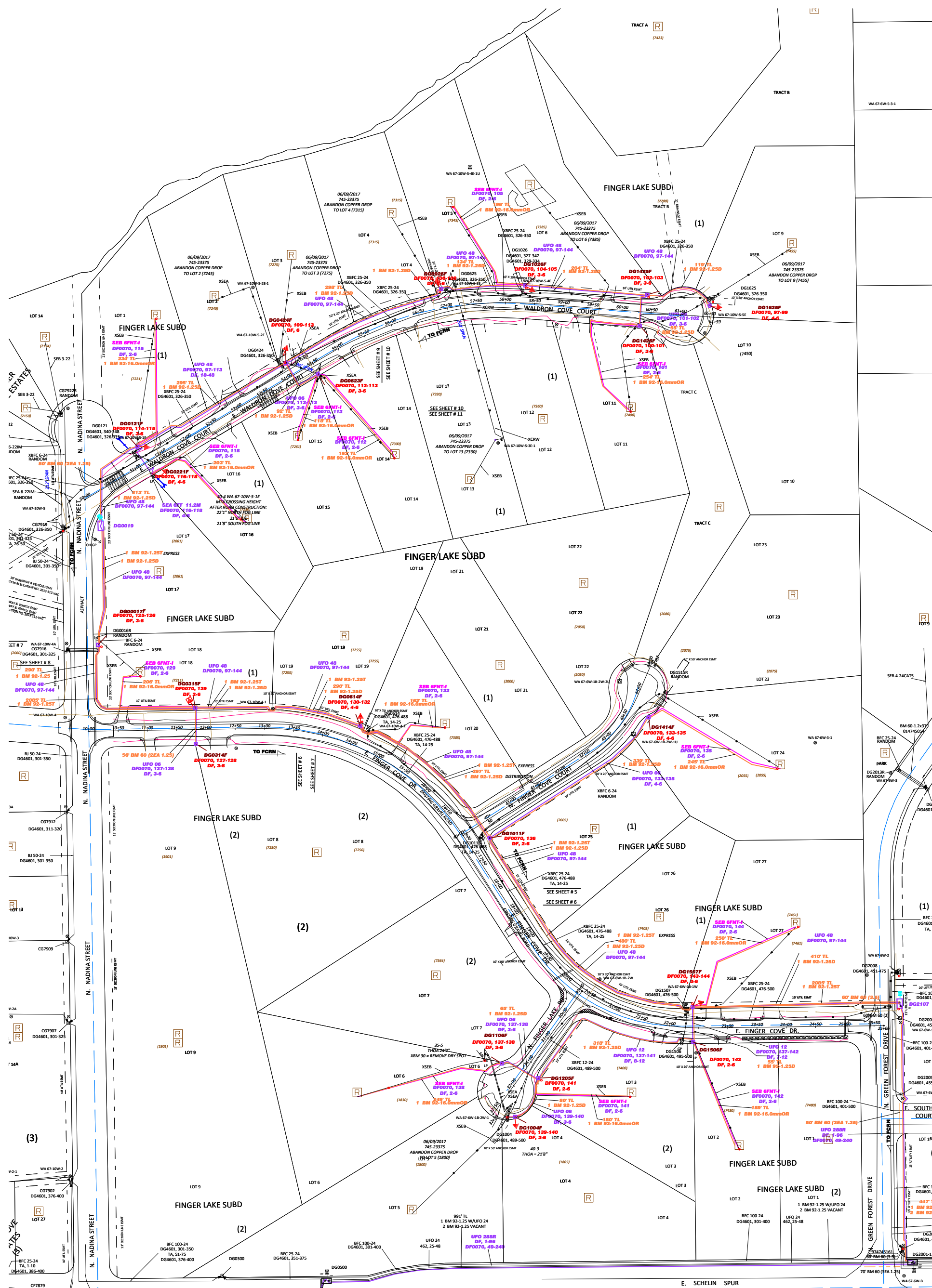
For the foregoing reasons, MTA respectfully requests that the Commission grant a waiver of Section 51.332 of its rules to the extent necessary to permit MTA to replace copper facilities identified in the Work Area with fiber optic cable.

Matanuska Telephone Association, Inc.  
By: /s/ Shannon M. Heim

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Shannon.Heim@lawmoss.com  
Attorneys on Behalf of  
Matanuska Telephone Association, Inc.

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<sup>9</sup> See *In the Matter of Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, FCC 17-37, WC Docket No. 17-84, Notice of Proposed Rulemaking, Notice of Inquiry, and Request for Comment at ¶¶ 56, 58 (Apr. 21, 2017) (identifying copper as “legacy technology” and discussing proposed revisions to Part 51 of the Commission’s rules to “facilitate more rapid deployment of next-generation networks.”).





July 25, 2017

ATTN: Replacement of Copper Facilities with Fiber Optic Facilities

Dear Valued Customer,

The Matanuska-Susitna Borough (MSB) is performing road construction in your area that will result in the destruction of MTA copper facilities. MTA is taking the opportunity to replace the copper facilities with fiber optic facilities. This notice describes how these replacements impact your service from MTA.

Your phone service will be connected to MTA's fiber optic facilities on approximately August 15, 2017. You will still be able to purchase the existing services to which you subscribe with the same functionalities as the service you currently purchase from MTA. MTA will continue to offer the same telecommunications services that are available today. The quality of connection and the ability to obtain high speed broadband will improve.

The primary impact of this network upgrade will be the need for your home telephone to be connected to backup battery power in order to function during a power outage. MTA is committed to keeping all members connected to emergency voice services during a power outage. **This backup power is required to avoid a disruption of home voice service during a power outage and to maintain the ability to connect to 911 emergency services.**

MTA will provide a backup battery unit to you free of charge. The battery, which will serve as your back up power for your home phone, may be picked up at any MTA Retail Office. Please mention this letter upon arriving at the store.

**What your Backup Unit Can and Can't Do:**

MTA's backup battery unit for telephone service allows you to continue to use your home voice services for up to 30 hours during a power outage. **Without a backup battery unit or another alternate backup source such as a generator, you will not be able to make any calls, including emergency calls to 911.** The only way to maintain the ability to use your phone during a power outage is by using some form of backup power.

Our backup battery unit does not provide power to any services other than the voice. Home security systems, medical monitoring devices and other equipment will not run on a home phone backup battery unit.

**About the Backup Battery Unit:**

The unit is a PowerTec NXGM Power Supply and Backup. This unit is rated for all residential optical network terminals (ONTs). It will provide up to 30 hours of battery backup during a power outage. In the event of a power outage, install 12 D-Cell batteries into the black backup unit, and connect to the power supply with the cable provided.

Product Information: POWERTEC D-CELL BBU / PRODUCT NBR PSD12-BBU / 13.5VDC 36 WATT

**\*\*This unit requires 12 D-Cell Batteries, *which are not included*.**

**Instructions for Proper Care and Use of Your Battery:**

Please follow the more detailed instructions included with your backup battery unit for proper use, storage and care to ensure that it will work as needed during a power outage. You should also periodically remove and test your backup unit to verify that the unit is operational and in good condition. We recommend you remove batteries from the unit when it is not in use. Batteries discharge much faster when they are left in electronic devices as opposed to being stored by themselves.

If you have any questions regarding this notice, please contact the MTA Support Center. We can be reached at 907-694-6821 from Eagle River, 907-745-6821 from Palmer and Wasilla, or toll free at 1-800-478-3211. Additional information is available at <https://www.mtasolutions.com/contact/>. You may also contact the Federal Communications Commission at:

Federal Communications Commission  
Consumer & Governmental Affairs Bureau  
Phone: 1-888-CALL-FCC (1-888-225-5322)  
Fax: 1-866-418-0232  
TTY: 1-888-TELL-FCC (1-888-835-5322)  
American Sign Language Support Line: 1-844-4-FCC-ASL (1-844-432-2275)  
[www.fcc.gov/complaints](http://www.fcc.gov/complaints)

Thank you,

Sonja Nelson  
MTA Regulatory Affairs Manager  
1740 S Chugach Street  
Palmer, AK 99645

**Matanuska Telephone Association, Inc.**  
**1740 S. Chugach Street**  
**Palmer, AK 99645**

## **Public Notice of Network Change under Rule 51.332**

Matanuska Telephone Association, Inc.

1740 S. Chugach St.

Palmer, AK 99645

[www.mtasolutions.com](http://www.mtasolutions.com)

July 26, 2017

Re: Network Change Notification

Carrier: Matanuska Telephone Association, Inc. (MTA)

Implementation Date: Approximately August 15, 2017

Summary: Matanuska-Susitna Borough (MSB) intends to perform road construction that will result in the destruction of MTA copper loop in the Work Area identified in Exhibit A. MTA would like to take the opportunity to replace copper facilities with fiber optic facilities. This will allow MTA to continue serving existing customers while facilitating the deployment of next-generation facilities.

Description of Network Change: MTA will replace legacy copper facilities with fiber optic facilities as noted in Exhibit A. At each home MTA will place an outdoor Optical Network Terminal, ONT, on the side of the home. The ONT will connect back to MTA's network using passive optical network technology, G.PON, compliant to the G.984 standard. The interfaces to the customer will be a standard POTS two wire interface for voice and 10/100/1000Base-T Ethernet ports for data services.

Description of Reasonable Foreseeable Impacts of Planned Changes: As a general matter, the retirement of these copper facilities will not result in changes to rates, terms and conditions in cases where the affected service is converted to a like-for-like service that is available on the replacement fiber facilities. Interconnecting entities, however, should review the applicable tariff or agreement for certain terms that may apply specifically in cases where the service is provisioned on fiber. In cases where interconnecting entities elect to replace the affected service with an alternative service that MTA offers on fiber facilities, the rates, terms and conditions will be as set forth in the tariff or agreement under which MTA offers the replacement service that the interconnecting entity selects.

Technical Contact: Eric Anderson, Director of Engineering, Construction and Operations, 907-761-2795

Interconnection Contact: Eric Anderson, Director of Engineering, Construction and Operations, 907-761-2795







## **Certification under Rule 51.332**

### **Matanuska Telephone Association, Inc.**

Matanuska-Susitna Borough (MSB) intends to perform road construction that will result in the destruction of MTA copper loop in the Work Area identified in Exhibit A. MTA would like to take the opportunity to replace copper facilities with fiber optic facilities. This will allow MTA to continue serving existing customers while facilitating the deployment of next-generation facilities.

Concurrent with this certification filing, MTA is filing the required network change notification with the Federal Communications Commission.

MTA sent notice to retail customers on July 25, 2017. A copy of the notice is included as Exhibit B. The notice addressed the requirements of 47 CFR § 68.110(b).

Concurrent with filing of the network change notification and this certification, MTA has served a copy of its notice with General Communications, Inc. ("GCI"). Written notice was served by email on:

rhitz@gci.com  
GCI VP, Regulatory Economics & Finance

Concurrent with the filing of the network change notification and this certification, MTA has served a copy of the notice upon:

The Governor of Alaska  
The Regulatory Commission of Alaska  
The Secretary of Defense, Special Assistant for Telecommunications

MTA has complied with the good faith communication requirements and will continue to do so until the implementation of the copper retirement is complete.

The docket number and NCD number have not yet been assigned.

I, Wanda J. Tankersley, the Chief Operating Officer for Matanuska Telephone Association, Inc., certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated as of July 26, 2017

A handwritten signature in blue ink that reads "Wanda J. Tankersley". The signature is fluid and cursive, with the first name "Wanda" being the most prominent.

Wanda J. Tankersley  
Chief Operating Officer

This is a highly detailed technical drawing of a road layout, possibly a highway interchange or a complex road network. The drawing is oriented vertically, with the road running from top to bottom. It features multiple lanes, curves, and junctions, with various labels and annotations in blue and red ink. The layout is complex, with many small details and text annotations throughout. The drawing appears to be a technical drawing or a map, possibly for a highway interchange or a complex road network. The drawing is oriented vertically, with the road running from top to bottom. It features multiple lanes, curves, and junctions, with various labels and annotations in blue and red ink. The layout is complex, with many small details and text annotations throughout. The drawing appears to be a technical drawing or a map, possibly for a highway interchange or a complex road network.

Exhibit B  
Copy of Notice to Retail Customers

July 25, 2017

ATTN: Replacement of Copper Facilities with Fiber Optic Facilities

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The primary impact of this network upgrade will be the need for your home telephone to be connected to backup battery power in order to function during a power outage. MTA is committed to keeping all members connected to emergency voice services during a power outage. **This backup power is required to avoid a disruption of home voice service during a power outage and to maintain the ability to connect to 911 emergency services.**

MTA will provide a backup battery unit to you free of charge. The battery, which will serve as your back up power for your home phone, may be picked up at any MTA Retail Office. Please mention this letter upon arriving at the store.

**What your Backup Unit Can and Can't Do:**

MTA's backup battery unit for telephone service allows you to continue to use your home voice services for up to 30 hours during a power outage. **Without a backup battery unit or another alternate backup source such as a generator, you will not be able to make any calls, including emergency calls to 911.** The only way to maintain the ability to use your phone during a power outage is by using some form of backup power.

Our backup battery unit does not provide power to any services other than the voice. Home security systems, medical monitoring devices and other equipment will not run on a home phone backup battery unit.

Exhibit B  
Copy of Notice to Retail Customers

**About the Backup Battery Unit:**

The unit is a PowerTec NXGM Power Supply and Backup. This unit is rated for all residential optical network terminals (ONTs). It will provide up to 30 hours of battery backup during a power outage. In the event of a power outage, install 12 D-Cell batteries into the black backup unit, and connect to the power supply with the cable provided.

Product Information: POWERTEC D-CELL BBU / PRODUCT NBR PSD12-BBU / 13.5VDC 36 WATT

**\*\*This unit requires 12 D-Cell Batteries, *which are not included*.**

**Instructions for Proper Care and Use of Your Battery:**

Please follow the more detailed instructions included with your backup battery unit for proper use, storage and care to ensure that it will work as needed during a power outage. You should also periodically remove and test your backup unit to verify that the unit is operational and in good condition. We recommend you remove batteries from the unit when it is not in use. Batteries discharge much faster when they are left in electronic devices as opposed to being stored by themselves.

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Fax: 1-866-418-0232  
TTY: 1-888-TELL-FCC (1-888-835-5322)  
American Sign Language Support Line: 1-844-4-FCC-ASL (1-844-432-2275)  
[www.fcc.gov/complaints](http://www.fcc.gov/complaints)

Thank you,

Sonja Nelson  
MTA Regulatory Affairs Manager  
1740 S Chugach Street  
Palmer, AK 99645